

REMARKS

The Office Action of December 24, 2008, has been carefully reviewed and these remarks are responsive thereto. Claims 59, 61, 63, 65, and 67 have been amended to further clarify the scope of protection. Claims 11-37, 42-51, and 59-68 are pending. Reconsideration and allowance of the instant application are respectfully requested.

Comments Regarding Alleged Non-functional Descriptive Material

The Office Action is non-responsive to Applicants previous response. Applicants respectfully assert that the argument presented in the previous response filed on September 3, 2008, with respect to the comments in the Office Action regarding “non-functional descriptive material,” was not considered or addressed. Applicants reiterate the belief that the claims in the present form have been clarified to overcome any assertion that the matter previously identified as non-functional should not be given patentable weight and that these elements should therefore be considered when evaluating the claims. Applicants assert that the claims, as currently presented, embody a functional relationship between the data and the other elements of the claim. Applicants again respectfully submit that summarily ignoring claim language is improper and request reconsideration of this relationship in view of this fact and the unaddressed arguments presented in the previous response dated September 3, 2008.

Rejections Under 35 U.S.C. § 112

Pending claims 59-68 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully assert that the claims are supported by the specification. However, Applicants have amended claims 59, 61, 63, 65, and 67 in order to advance the prosecution of this application. Claims 60, 62, 64, 66, and 68 depend from claims 59, 61, 63, 65, and 67, respectively.

Rejections Under 35 U.S.C. § 103(a)

Pending claims 11-37 and 42-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McClelland (U.S. Patent No. 6,707,879, hereinafter *McClelland*) in

view of Obrador (U.S. Patent Appl. No. 2002/0049660, hereinafter *Obrador*), in further view of Moore (U.S. Patent No. 6,246,778, hereinafter *Moore*). Applicants respectfully traverse.

The features of independent claims 11, 22, 31, 35, and 42 are not taught or suggested by the prior art of record, even if combined. For example, claim 11 recites an element that includes receiving a task list “receiving a task list, wherein each task comprises information known about a unique shipment of goods prior to the shipment being inspected.” The Office Action asserts that *McClelland* teaches this element in Column 12, lines 1-11 and Column 10, lines 31-52. The Office Action asserts that “[r]eceiving a client computer task list, by the computer or portable device from a server computer” is taught by *McClelland* at Column 12, lines 1-11. (Office Action, pg. 4). However, *McClelland* makes no reference to receiving a task list. In fact, the cited portion of *McClelland* merely discloses that a “computer” may be any of various types of computing machines and that a “computer program” refers to any processor running computer code. (*McClelland*, col. 12, ll. 1-11).

Additionally, the Office Action asserts that Column 10, lines 31-52 of *McClelland* teach the element of receiving a task list, “wherein each task comprises information known about a unique shipment of goods prior to the shipment being inspected,” as recited in claim 11. (Office Action, pg. 4). However, nothing in *McClelland* involves either using any pre-existing data or data related to a task list. The cited passage of *McClelland* merely teaches providing the status of workstations, specifically whether or not the workstation is busy. The Office Action also states that “the file that is created is from an x-ray machine, therefore information is known about the item before the shipment is being inspected.” (Office Action, pg. 4). However, the imaging of the baggage via x-ray is a part of the inspection of the baggage. The image files referred to are not information received prior to the shipment being inspected and certainly can not be equated to the “task list” recited in claim 11. Moreover, nothing in *Obrador* or *Moore* cures these deficiencies of *McClelland*. Therefore, the prior art of record fails to teach or suggest at least these identified features of claim 11.

Furthermore, even if *McClelland*, *Obrador*, and *Moore* were to teach each of the elements of claim 11, the Office Action has not properly provided sufficient motivation to combine the various elements. For example, it is improper to combine two references when the primary reference teaches away from incorporating aspects of the secondary reference. *McClelland* explicitly states that the purpose of the system is for **remote** inspection of items. Exemplary portions of the specification include:

- “The present invention is directed toward a system and method for screening items … **particularly from a remote location.**” – Column 3, line 66-Column 4, line 1 (emphasis added);
- “a system for baggage screening that is **remotely monitored and controlled**” – Column 2, lines 24-25 (emphasis added);
- “a baggage screening system for **remote screening** of items” – Column 2, lines 46-47 (emphasis added); and
- “a system for **remote inspection** of items” – Column 2, lines 63-64 (emphasis added).

Therefore, because *McClelland* teaches away from an “on-site inspection,” as is used in *Obrador*, the combination with the teaching of on-site inspection of *Obrador* is improper.

Independent claims 22, 31, 35, and 42 recite similar features as claim 11 insofar as each independent claim recites receiving a task list where “each task comprises information known about a unique shipment of goods” and the information is known prior to the shipment being inspected. Therefore, each of independent claims 22, 31, 35, and 42 is allowable at least for the same reasons as claim 11.

In addition, claims 31 and 35 include, among other features, a database wherein each entry is representative of a task. Such a database is not taught or suggested by the prior art of record. As stated above, this information is used by the later elements of the claim. For at least the foregoing reasons, independent claims 11, 22, 31, 35, and 42 are allowable.

Dependent claims 12-21, 23-30, 32-34, 36-37, 43-51, and 59-68 are distinguishable over the prior art of record for at least the same reasons as the base claims from which each dependent claim depends and further in view of the novel features recited therein.

Moreover, the Office Action alleges that dependent claims 19 and 28 are disclosed by *McClelland*, stating that the feature of claims 19 and 28 of “[d]isplaying a research tool in response to user input” is found in Column 7, lines 13-27 of *McClelland*. (Office Action, pg. 7). However, stated in the response of September 3, 2008, the cited portion of *McClelland* merely discusses the display of “statistical data that may be displayed by the operator interface.” (*McClelland*, col. 7, ll. 14-15).

The Office Action goes on to state that the feature of “[r]eceiving research criteria input by the user, querying the [re]search tool and displaying results” is disclosed in Column 11, lines 34-50 of *McClelland*. (Office Action, pg. 6). This portion of *McClelland* merely states how “image search tools may be employed to select images from a large database of real images for training purposes” and that the system provides information regarding the current status of baggage information, operator workload, decision time, percentage bags rejected, etc. (*McClelland*, col. 11, ll. 35-36 and 40-45). The disclosure of *McClelland* fails to teach or suggest the claimed features of “(vi) receiving research criteria input by the user; (vii) querying the research tool using the research criteria; and (viii) displaying query results on the display screen” (Claims 19, 28).

Thus, Applicants assert that *McClelland* does not disclose, teach, or suggest at least these elements of Claims 19 and 28, and therefore *McClelland* does not anticipate Claims 19 and 28. Applicants respectfully request further clarification regarding the assertion in the Office Action that claims 19 and 28 are obvious over *McClelland* in view of the issues asserted both here and in the previous response dated September 3, 2008.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejections and allowance of claims 11-37, 42-51, and 59-68 in the present Application. Applicants respectfully submit that the instant application is in condition for allowance and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
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